

1

2

3

4

5

6

7

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

Santa Clara Valley Transportation Authority, NO. C 05-02797 JW

Plaintiff,

**ORDER TO SHOW CAUSE
RE: SETTLEMENT**

v.

Buck Consultants, Inc., et al.,

Defendants.

In a letter dated October 31, 2005, Russell D. Atkinson, counsel for Plaintiff Santa Clara Valley

Transportation Authority, informed the Court that the above-entitled matter has reached a settlement. In light of the settlement, the Court vacates all trial and pretrial dates. On or before December 19, 2005, the parties shall file a stipulated dismissal pursuant to Federal Rule of Civil Procedure 41(a).

If a dismissal is not filed by the specified date, all parties shall appear in Courtroom No. 8, 4th Floor, United States District Court, 280 South First Street, San Jose, California on January 23, 2006 at 9:00 a.m. and to show cause, if any, why the case should not be dismissed pursuant to Fed. R. Civ. P. 41(b). On or before December 19, 2005, the parties shall file a joint statement in response to the Order to Show Cause. The joint statement shall set forth the status of the activities of the parties for finalizing the settlement and how much additional time is requested to finalize and file the dismissal. If a voluntary dismissal is filed as ordered, the Order to Show Cause hearing will be automatically vacated. The case management conference currently scheduled for January 23, 2006 is vacated.

1 Failure to comply with any part of this Order will be deemed sufficient grounds to dismiss this
2 action.

3

4 Dated: November 9, 2005

05eciv2797oscsettl

5 /s/ James Ware

JAMES WARE

6 United States District Judge

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Russell D. Atkinson Russell.Atkinson@vta.org
3 Theodore T. Ting tting@reedsmith.com

4 Suzanne B. Gifford
5 3331 North First Street, C-2
5 San Jose, CA 95134-1906

6 Thomas L. Allen
7 Reed Smith LLP
425 Sixth Avenue
Pittsburgh, PA 15219

9 **Dated: November 9, 2005**

10 **Richard W. Wieking, Clerk**

11 By: /s/ JW Chambers
12 Ronald L. Davis
12 Courtroom Deputy